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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,410	12/19/2001	Peter J. Schrenkel	89.0493	4877

35204 7590 10/01/2004

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EXAMINER

FRANK, RODNEY T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,410	Applicant(s) SCHRENKEL ET AL.	
	Examiner Rodney T. Frank	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: This claim, as amended, is now confusing as you claim that the fluid barrier is disengaged during use of the logging tool above the fluid barrier. This would mean that the barrier is disengaged above itself. This is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody et al. (U.S. Patent Number 4,505,341; hereinafter referred to as Moody). Moody discloses a tool (10) is disclosed which permits retrieval of an object (201) from within a borehole having debris (210) surrounding the object. The tool (10) includes an upper assembly (12) and a lower assembly (14). The upper assembly (12) is secured to a drill or tubing string assembly (16) extending to the surface. The lower assembly (14) mounts the wash pipe (200). The lower assembly (14) includes a debris chamber (144) and a trap valve (148) for permitting one-way flow of debris and fluid therein. In hydrostatic operation, a lower valve assembly (126) is provided for opening to expose the upper portions of the tool (10) to the borehole pressure and drive debris and fluid through the wash pipe and into the debris chamber. This activity permits the tool and wash pipe to move

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ownwardly in the borehole so that the wash pipe surrounds the object. Settling debris wedges the object within the wash pipe for removal. Hydraulic operation is permitted by use of a seal, guide and swab piston assembly (102) to drive debris and fluid into the debris chamber to wedge the object within the wash pipe. A tool (300) is also disclosed for use in surging perforations (310) and holes (344) in a borehole by using a pack-off device (302) (Please see the abstract).

4. In regard to claim 1, Moody discloses a system comprising a logging system with a logging tool (see column 12 lines 51-58), a downhole unit operable to house the logging tool and to secure a fluid barrier within a well bore casing whereby the fluid barrier can be disengaged (see column 16 lines 7-26). Though the exact position of the fluid barrier with relation with relation to a logging tool, or the like, is not disclosed, the examiner feels that this is an inherent limitation with regard to the device and therefore would be disclosed in view of Moody.

In regard to claims 2 and 3, the use of a fluid barrier, a retrievable bridge plug, is disclosed in column 16 lines 7-26 is disclosed.

In regard to claims 4-13, though each and every limitation claimed may not be disclosed specifically, the examiner feels that these limitations are mere design choices that are well known for one of ordinary skill in the art of designing such systems.

In regard to claim 14, Moody discloses a system comprising a downhole tool, a well logging tool, a fluid barrier, and two portions, a first for housing the well logging tool and a portion to interact with the logging tool. Though Moody may not specifically disclose the exact relationship and function of the portions as claimed, the examiner sees this as a mere design choice since there is no disclosed benefit from, nor unexpected result resulting from the particular arrangement claimed.

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In regard to claims 15 and 16, though the exact arrangement claimed is not disclosed, these limitations are seen as a mere design choice well within the preview of one of ordinary skill in the art.

In regard to claims 17-25, though each and every limitation claimed may not be disclosed specifically, the examiner feels that these limitations are mere design choices that are well known for one of ordinary skill in the art of designing such systems.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner has cited various references that are deemed relevant to the general state of the art of the present invention.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9am -5:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF
September 24, 2004


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800